

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

HELEN J. VIRGIL

PLAINTIFF

V.

NO. 1:17CV00119-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the court are Plaintiff's motion [23] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [24]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [22] dated September 14, 2018, this court reversed and remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$5,424.30 for attorney work before this court plus \$50.29 for travel expenses on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not substantially justified. Defendant indicates she has no objection to the requested award. Nevertheless, Defendant points out that any award should be made payable to Plaintiff, instead of counsel, in accordance with the Supreme Court's decision in *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521 (2010).

The court, having thoroughly considered the motion, the response, and the applicable law, finds the requested award is reasonable, and no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

That the Acting Commissioner shall promptly pay to Plaintiff a total of \$5,474.59 in attorney fees and expenses for the benefit of counsel for Plaintiff.

This 26th day of November, 2018.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE